

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-18-16
Introduced by: City Council
Date Introduced: May 7, 2018
First Reading: May 7, 2018
Second Reading: May 14, 2018
Date Passed: May 14, 2018
Date Effective: June 4, 2018

AN ORDINANCE concerning

CHAPTER 160 – Yard Sales

FOR the purpose of amending Chapter 160 – Yard Sales of the Code of the City of Seat Pleasant to increase the permit and violation fees and to amend the title to reflect the renaming of the division from Code Enforcement to Compliance Inspector where required; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to departments and committees in The City of Seat Pleasant.

BY amending Chapter 160 – Yard Sales
Section 160-2, E, F and H
Section 160-5, A and B
Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202(1) and § C-501(a) of the Charter of the City of Seat Pleasant (the "Charter"), the Council of the City of Seat Pleasant (the "City Council") has the power to pass all ordinances not contrary to the Constitution and laws of Maryland or the Charter as it may deem necessary for the good government of the City; and

WHEREAS, the City Council desires to amend Chapter 160 Yard Sales of the Code of the City of Seat Pleasant for the purposes of increasing the permit and violation fees and amending the title to better reflect their respective purposes; and

WHEREAS, the City Council deems it in the interest of the public health, welfare and safety of the citizens of The City of Seat Pleasant, and for the good government of The City of Seat Pleasant, to enact this Ordinance and to take the actions as described herein.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that Section 160-2 and 160-5 of the Code of the City of Seat Pleasant (1994 Edition, as amended) be and it hereby is amended to read as follows:

§ 160-2. Conduct; permits' fees.

A-D, and G No Changes

E. Residents of the City will be allowed two free yard sale permits in each calendar year. Any applicable permits fee shall be paid with the application for the permit. If the permit is not issued, the City Administrator shall refund the permit fee.

F. The City Administrator may not issue a yard sale permit unless and until a City ((Code Enforcement Officer)) COMPLIANCE INSPECTOR has inspected the site of the proposed yard sale and the City Administrator determines that the application and yard sale comply with the requirements of this chapter.

H. If, based upon personal observation, the City Administrator or a City ((Code Enforcement Officer)) COMPLIANCE INSPECTOR determines that the conduct of a yard sale is in violation of a yard sale permit issued under this section, or is being conducted without a validly issued yard sale permit, the City Administrator may issue a written directive to the sponsor and person conducting the yard sale that the yard sale cease until the violation is corrected or until a valid permit is obtained. The written directive shall be delivered to the sponsor or person conducting the yard sale.

§ 160-5. Violations and enforcement.

- A. A violation of this chapter is a municipal infraction. A person who violates this chapter is subject to a fine of \$50 75 for each infraction. Each day that a violation occurs or continues is a separate infraction.
- B. This chapter may be enforced, and municipal infraction citations issued by the City police officers, City ((Code Enforcement Officers)) COMPLIANCE INSPECTORS ~~and the City Nuisance Abatement Coordinator~~. All of these persons are "officers" for purposes of this chapter.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance, or a condensed version thereof,

shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 5. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

SECTION 6. AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the passage of this ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

COUNCIL OF THE CITY OF SEAT PLEASANT

Charl Jones, Councilmember

Hope Love, Councilmember

Lamar Maxwell, Councilmember

Shireka McCarthy, Councilmember

Kelly Porter, Councilmember

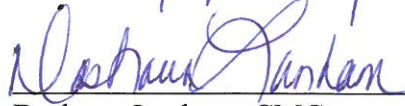
Gloria L. Sistrunk, Councilmember

Reverat L. Yeargin, Councilmember

ATTEST:

Dashaun N. Lanham, CMC
City Clerk

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to § C-313 of the Charter of the City of Seat Pleasant this 15th day of May, 2018.



Dashaun Lanham, CMC
City Clerk

In accordance with § C-313 of the Charter of the City of Seat Pleasant, I hereby (APPROVE) ~~(DISAPPROVE)~~ of this Ordinance this 15th day of May, 2018.



Eugene W. Grant, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.